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IN CLERKS OFFICE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JUL -8 P 3:57

U.S. DISTRICT COURT
DISTRICT OF MASS.

D. RICKY RICHARDSON,

Petitioner,

v.

DEPARTMENT OF JUSTICE
BUREAU OF PRISONS,

HARLEY LAPPEN, DIRECTOR,
and

DAVID L. WINN, WARDEN

Respondents.

Civil Action No. 04CV40099EFH

MOTION TO EXTEND TIME IN WHICH TO RESPOND TO PETITION

Now come the respondents, Department of Justice Bureau of Prisons ("BOP"), Harley Lappen, Director of the Federal Medical Center, Devens, Massachusetts, ("FMC Devens"), and David L. Winn, Warden FMC Devens,¹ who hereby move this Court for a twenty-one day extension of time **up to and including July 29, 2004**, to answer or otherwise respond to the Petition. As reasons therefore, the undersigned counsel for the respondents asserts that such an extension will allow counsel the necessary time to obtain relevant facts and background information of this matter.

The respondents assert that there have been no prior requests for extensions in this action.

¹ This motion is not intended to be a responsive pleading. By the filing of this motion, the respondents are not waiving any of the procedural, affirmative, or other waivable and non-waivable defenses available to them in the normal course of filing a responsive pleading. The respondents intend to raise those defenses when they answer or otherwise respond to the Petition.

WHEREFORE, the respondents respectfully request that this Court allows their motion for an extension of time **up to and including July 29, 2004**, to answer or otherwise respond to the Petition.

Respectfully submitted,

RESPONDENTS

DEPARTMENT OF JUSTICE
BUREAU OF PRISONS,

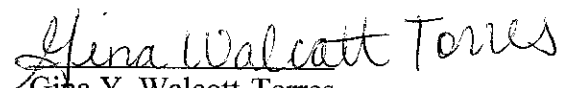
HARLEY LAPPEN, DIRECTOR,
and

DAVID L. WINN, WARDEN

By their attorney,

MICHAEL J. SULLIVAN
United States Attorney

By:

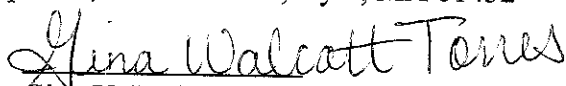

Gina Y. Walcott-Torres
Assistant U.S. Attorney
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3100

Dated: July 8, 2004

CERTIFICATE OF SERVICE

This is to certify that I have this 8th day of July 2004, served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

D. Ricky Richardson (#17761-038), *pro se*, P.O. Box 879, Ayer, MA 01432


Gina Y. Walcott-Torres
Assistant United States Attorney

REQUEST FOR WAIVER OF LOCAL RULE 7.1(A)(2) CERTIFICATION

The undersigned counsel hereby requests a waiver of the requirements of Local Rule 7.1(A)(2). As reasons therefore, she asserts that the plaintiff, who is acting pro se, is incarcerated at the Federal Medical Center in Devens, Massachusetts.

A handwritten signature in black ink that reads "Gina Walcott Torres". The signature is written in a cursive, flowing style.

Gina Y. Walcott-Torres

Assistant United States Attorney